

AMENDED IN SENATE APRIL 13, 2016

SENATE BILL

No. 1467

Introduced by Senator Bates
(Coauthors: Senators Berryhill, Runner, and Stone)
(Coauthor: Assembly Member Brough)

February 19, 2016

An act to amend Section 85305 of, and to add Sections 85301.7 and 85305.1 to, add Section 84311 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Bates. Political Reform Act of 1974: ~~contribution limitations: campaign prohibitions.~~

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions. The act imposes a contribution limit of \$3,000 on contributions made to, and received by, candidates for elective state offices that are not statewide elective offices: *various prohibitions relating to the expenditure of campaign funds.* The act does not limit the amount of contributions that a person may make to *prohibits* a committee that is primarily formed to support or oppose one or more ballot measures. The act prohibits a candidate for elective state office or a committee controlled by that candidate from making a contribution to another candidate for elective state office in excess of the contribution limit for elective state offices: *measures from sending a slate mailer unless it complies with specified requirements.*

This bill would prohibit a person from making to a committee controlled by a candidate for elective office that is primarily formed to support or oppose one or more ballot measures, and prohibit such a

~~committee from receiving a contribution in excess of the contribution limit for elective state offices, as specified. The bill would prohibit a candidate for any elective office, or the candidate's controlled committees, from making a contribution to another candidate for elective office or a committee controlled by a candidate that is primarily formed to support or oppose one or more ballot measures in excess of the contribution limit established for candidates for elective state office. measures from expending campaign funds on an advertisement featuring the controlling candidate or another officeholder or candidate, as specified.~~

~~This bill would prohibit a committee controlled by a candidate for elective office that is primarily formed to support or oppose one or more ballot measures from expending campaign funds to make a contribution or other transfer of campaign funds to a committee for a purpose other than supporting or opposing a ballot measure that the controlled committee was primarily formed to support or oppose.~~

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84311 is added to the Government Code,
- 2 to read:
- 3 84311. (a) For purposes of this section:
- 4 (1) "Advertisement" has the same meaning as provided in
- 5 Section 84501.

(2) “Featuring” a candidate or officeholder means using any of the following belonging to the candidate or otherwise singling out the candidate or officeholder:

(A) Name.

(B) Signature.

(C) Title.

(D) Voice.

(E) Image.

(b) A committee controlled by a candidate for elective office that is primarily formed to support or oppose one or more ballot measures shall not expend campaign funds on an advertisement featuring either of the following:

(1) The controlling candidate.

(2) Another officeholder or candidate.

~~SECTION 1. Section 85301.7 is added to the Government Code, to read:~~

~~85301.7. For each period between statewide general elections, as defined in Section 1200 of the Elections Code, a person shall not make to a committee controlled by a candidate for elective office that is primarily formed to support or oppose one or more ballot measures, and such a committee shall not accept from a person, a contribution in excess of the contribution limit established pursuant to subdivision (a) of Section 85301, as adjusted by the Commission pursuant to Section 83124. The contribution limit described in this section shall be the aggregate amount of contributions that a candidate may accept per contributor for his or her controlled committees that are primarily formed to support or oppose one or more ballot measures, regardless of the number of such committees controlled by that candidate.~~

~~SEC. 2. Section 85305 of the Government Code is amended to read:~~

~~85305. A candidate for elective state office or committee controlled by that candidate shall not make a contribution to another candidate for elective state office or to a committee controlled by another candidate for elective office that is primarily formed to support or oppose one or more ballot measures in excess of the limits set forth in subdivision (a) of Section 85301, as adjusted pursuant to Section 83124.~~

~~SEC. 3. Section 85305.1 is added to the Government Code, to read:~~

1 ~~85305.1. Notwithstanding any other provision of this title or~~
2 ~~Section 18680 of the Elections Code, a committee controlled by~~
3 ~~a candidate for elective office that is primarily formed to support~~
4 ~~or oppose one or more ballot measures shall not expend campaign~~
5 ~~funds to make a contribution or other transfer of campaign funds~~
6 ~~to a committee for a purpose other than supporting or opposing a~~
7 ~~ballot measure that the controlled committee was primarily formed~~
8 ~~to support or oppose.~~

9 ~~SEC. 2. The provisions of this section are severable. If any~~
10 ~~provision of this section or its application is held invalid, that~~
11 ~~invalidity shall not affect other provisions or applications that can~~
12 ~~be given effect without the invalid provision or application.~~

13 ~~SEC. 4.~~

14 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

23 ~~SEC. 5.~~

24 ~~SEC. 4. The Legislature finds and declares that this bill furthers~~
25 ~~the purposes of the Political Reform Act of 1974 within the~~
26 ~~meaning of subdivision (a) of Section 81012 of the Government~~
27 ~~Code.~~